



U.S. Department of Justice

*United States Attorney
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February 27, 2006

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Re: United States v. James Troiano (01); Wendell Toki (02)
Cr. No. 05-00261 HG

Dear Counsel:

The United States is in receipt of your Motion to Compel Discovery, filed February 24, 2006. Generally, a Motion to Compel is not filed unless you have made a formal, written request for certain information and the United States has responded either by refusing to answer the request or with a statement that it is unaware of the existence of such information. The United States has received one letter from you, dated January 31, 2006, and a response was sent on February 15, 2006. The United States is unaware of any contention regarding its response.

In addition, deadlines have been set in the normal course that dictate when the defense is entitled to Brady and Giglio information, as well as to Jencks materials. In this case, we are set for a final pre-trial conference on March 6, 2006, before the Honorable Barry M. Kurren. At this hearing, all deadlines will be set regarding Brady, Giglio, and Jencks materials.

It should also be noted that in this case, the United States has turned over all documents in its possession. For example, the United States has made witness statements available well before its legal obligation, which is after the witness has testified. Moreover, you have received a copy of the only agreement reached with any witness in this case, i.e., the plea agreement entered into by Tony Esparza.

In light of the premature nature of your Motion, we ask that you withdraw it and that we proceed according to the deadlines and obligations that have been set in the normal course.

EXHIBIT A

In addition, please find enclosed a copy of a draft stipulation regarding your client's prior criminal history. . . . Please review and contact one of the undersigned to discuss.


Finally, a criminal background check has been conducted on Silvia Robinson in the State CJIS, as well as in NCIC. In addition, a check has been conducted under the wanted persons database. As you can see from the attached NCIC report, no criminal activity has been entered or is outstanding against Ms. Robinson.

Should you have additional questions regarding these matters, please feel free to contact the undersigned at (808) 541-2850.

Very truly yours,

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By:


WES R. PORTER
CLARE E. CONNORS
Assistant U.S. Attorneys

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